



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Clendennen *et al.*

Application No.: 09/811,093

Filed: March 16, 2001

For: MELON PROMOTERS FOR EXPRESSION OF
TRANSGENES IN PLANTS

Confirmation No.: 8290

Art Unit: 1638

Examiner: Mehta, Ashwin D.

Attorney Docket No: 4257-0025.30

RESPONSE TO NOTICE TO COMPLY

U.S. Patent and Trademark Office
Box Sequence, P.O. Box 2327
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Examiner:

In response to the Notice to Comply mailed August 29, 2002 and in adherence with 37 CFR 1.821-1.825, enclosed is a substitute copy of the Sequence Listing in computer readable form (diskette). The sequence information recorded in computer readable form is identical to that of the written Sequence Listing submitted on August 5, 2002. A copy of the Notice to Comply is included with this submission.

Respectfully submitted,


Laleh Shayesteh Reg. No. 47,937

Dated: September 24, 2002

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Notice to Comply	Application No.	Applicant(s)
	09/811,093 Examiner Mehta	Clendennen et al. Art Unit 1638

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other:

Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

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